

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
DELAWARE

FILED
MAY - 1964
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

EASTERN SAVINGS BANK

Plaintiff

V.

CAROLINE AYRES-FOUNTAIN

Defendant.

) C.A.NO: 04-347- JJF

MOTION TO STAY ALL STATE COURT PROCEEDINGS, IN THE
ALTERNATIVE, MOTION TO GRANT INJUNCTIVE RELIEF
REQUESTED IN CIVIL ACTION NUMBER 04-347-JJF

COMES NOW, Caroline P. Ayres-Fountain, and moves this Honorable Court for an Order staying all State Court proceedings in the present case. As grounds, Ayres states the following:

1. The above-captioned case was appealed on March 31, 2005 to the U.S. Court of Appeals for the Third Circuit on April 29, 2005, after the entry of a remand order on March 31, 2005 .
2. A Writ of Mandamus in the present case was filed with the U.S. Court of Appeals for the Third Circuit on May 2, 2005.

3. The companion case in Civil Action Number 04-349-JJF, dismissing Ayres' case, which included a request for injunctive relief, was also appealed to the U.S. Court of Appeals for the Third Circuit.

4. A Writ of Mandamus was filed in the companion Civil Action Case Number 04-349-JJF with the U.S. Court of Appeals for the Third Circuit on May 2, 2005.

5. A Motion for Reconsideration in the companion Civil Action Case Number 04-349-JJF was filed on April 14, 2005. Ayres asserts that any ruling on this Motion would also have a direct impact on the State Court proceedings in the case remanded by this Court.

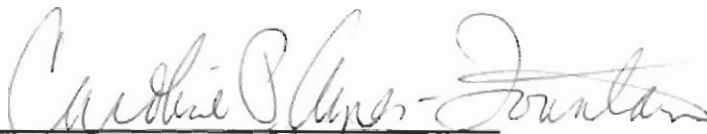
6. Ayres avers that a stay of State Court proceedings is needed to avoid multiple litigation and conflicts between State and Federal jurisdiction.

7. Also, Ayres would suffer irreparable harm if her home were sold at sheriff's sale before the above-mentioned Appeals, Writs and Motion for Reconsideration are heard.

8. In support of her Motion for a Stay, Ayres incorporates by reference the facts and legal authorities presented in her Writs of Mandamus filed with the U.S. Court of Appeals on May 2, 2005 in Civil Action Numbers .04-347(JJF) and 04-349 (JJF), respectively.

WHEREFORE, Defendant respectfully requests that her Motion for a Stay, In the Alternative, Motion for Injunctive Relief be granted.

Dated: April 29, 2005

A handwritten signature in cursive script, reading "Caroline P. Ayres--Fountain", written in black ink over a horizontal line.

Caroline P. Ayres-- Fountain
1 Gwynedd Lane
Hockessin, DE 19707

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EASTERN SAVINGS BANK,

Plaintiff,

V.

CAROLINE P. AYRES-FOUNTAIN

Defendant.

C.A. No. 04-347-JJF

ORDER

AND NOW, TO WIT, this _____ day of _____, A.D.,

2005, the foregoing Motion having been heard and considered, it is hereby:

ORDERED _____

Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EASTERN SVAINGS BANK

Plaintiff,

V.

CAROLINE P AYRES-FOUNTAIN

Defendant.

),

)C.A. No. 04-347-JJF

DEFENDANT'S'S LOCAL RULE 7.1.1 CERTIFICATION

I, Caroline P. Ayres- Fountain, hereby certify that I contacted Eastern's counsel to John Weaver, Esquire, by way of telephone on May 2, 2005 to ascertain his position regarding the Motion to Stay filed with this Court on May 2, 2005. His client objects to this motion.

Dated: May 2, 2005

Caroline P. Ayres-Fountain

Caroline P. Ayres-Fountain
1 Gwynedd Lane
Hockessin, DE 19707
Defendant, Pro Se

CERTIFICATE OF SERVICE

I, Caroline P. Ayres-Fountain, Defendant, do hereby certify that I have caused to be mailed copies of the attached Motion to Stay on May 2, 2005 to the below-mentioned person(s):

John Weaver, Esquire
Farr, Burke, Gambacorta and Wright
P.O. Box 510
914 Walnut Street
Wilmington, DE. 19899

Attorneys for Plaintiff Eastern Savings Bank

Caroline P. Ayres-Fountain
1 Gwynedd Lane
Hockessin, Delaware 19707

Dated: May 2, 2005

Caroline Mary-Johnson
Hampden, Dec. 19707

Clark
U. S. District Court
Cth and Hwy
Hullington, Dec. 19801

U.S.M.S
X-RAY

